

GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

*Labour dispute:* Industrial dispute between the workmen and the management of Ramakrishna Textiles, National Engineering Buildings, Jayachamarajendra Road Cross, Bangalore-2.

Award of the Presiding Officer, Labour Court, Bangalore, published.

Read the following papers.

(1) Letter No. 356/75-76, dated 20th June 1975 from Sri P. Srinivasacharya, Presiding Officer, Labour Court, Bangalore

BEFORE THE PRESIDING OFFICER, LABOUR COURT,  
BANGALORE.

*Dated this 20th day of June 1975.*

*Present :*

Shri. P. Srinivasacharya, B. A. LL. B.

*Presiding Officer*

Reference No. 75 of 1974

*First Party :—*

Smt. Shankaramma, represented by the President, Akhila Karnataka Powerloom and Handloom Karmikara Sangha, No. 11, Joripet, Chikka Annammal Temple Lane, Bangalore-560002.

*Vs.*

*Second Party :—*

The Management of Ramakrishna Textiles, National Engineering Buildings, J. C. Road Cross, Bangalore-2.

*Reference :—* Government Order No SWL 40 LLD 74 dated 24th April 1974.

## AWARD

1. The Government of Karnataka in their order No. SWL 40 LLD 74 dated 24th April 1974, have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :—

“ I. Are the Management of Ramakrishna Textiles, National Engineering Buildings, J.C. Road Cross, Bangalore-2, justified in refusing to allow Smt. Shankamma to resume work on 4th December 1972 ?

II. If not, to what relief is the said worker entitled ? ”

2. The First Party filed her claim statement on 30th July 1974 saying that she had joined the second party as Pern Winder about 15 years back on Rs. 90 per month; the second party refused to give work to her without assigning any reason and notice from 4th December 1972 onwards; hence she may be reinstated with continuity of service and back wages.

3. The Second Party opposed this in its rejoinder filed on 16th November 1974 saying that the first party joined with the second party concern as Pern Winder about 3 months earlier to her leaving the job and she was working on Piece rate basis; she remained absent herself from duty due to her old age, bad health and poor sight; the second party has not terminated her services and it has not victimised her; the first party herself remained absent from duty without assigning any reasons and had never returned for duty; the first party has requested the 2nd party to give work after a long time and it directed her to bring medical certificate certifying that she is fit for duty, but she never complied this; even now the second party is willing to offer the job to first party provided she produces a fitness certificate issued by a government Medical Officer as she had left the services long back; hence the reference be dismissed.

4. The following issues have been framed :

1. Whether 2nd party proves that 1st party voluntarily left the services of 2nd party due to illhealth and it has not refused work to her on 4th December 1972 ?

2. Whether 2nd party proves that 1st party joined services of 2nd party 3 months earlier to her leaving the job ?

3. To what relief 1st Party is entitled ?

5. After framing of the issues, the first party did not evince any interest and remained absent continuously from 3rd January 1975. In the circumstances, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules as if the 1st party was present and had been duly represented.

6. On 18th February 1975, on behalf of the II Party Sri A. L. Ramakrishnaiah, Proprietor, has got himself examined as M. W. 1. He has stated that Shankaramma, I Party Workman, was working in his power loom factory ; she had worked only for 3 months and voluntarily left the services and did not report for duty ; she had not applied even for leave ; he has never refused work to her either on 4th December 1972 or on any other day and the I Party's claim is unfounded ; he has not maintained any attendance register and the worker was paid on the basis of piece work and no salary as such was paid.

7. I do not find any reason to disbelieve the evidence of the II Party which stands un rebutted. The I Party also did not evince any interest and remained absent. In the circumstances, the reference is fit to be rejected.

8. In the result, I pass an award rejecting the reference. No costs.

(Sd)

**P. Srinivasacharya,**  
*Presiding Officer,*  
*Labour Court, Bangalore.*

“Copy”

**P. Srinivasacharya**  
*Presiding Officer,*  
*Labour Court, Bangalore,*

## Order No. SWL 144 LLA 75

*Bangalore dated 5th July 1975.*

**S. O. 2542.**—WHEREAS by State Government Order No. SWL 40 LLD 74, dated 24th April 1975, the Industrial Dispute between the workmen and the management of Ramakrishna Textiles, National Engineering Buildings, Jayachamarajendra Road Cross, Bangalore 2, was referred to the Labour Court, Bangalore, for adjudication ;

AND WHEREAS, the Labour Court, Bangalore, has submitted to the State Government its award in respect of the said industrial dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said Award as above in the *Karnataka Gazette*.

B Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,

*Under Secretary to Government,  
Social Welfare and Labour Department*